

JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney

BRIAN J. STRETCH (CABN 163973)
Chief, Criminal Division

HANLEY CHEW (CSBN 189985)
Assistant United States Attorney
San Jose Division

150 Almaden Boulevard, Suite 900
San Jose, California 95113
Telephone: (408) 535-5060
Facsimile: (408) 535-5066
Hanley.Chew@usdoj.gov

E-FILED - 11/25/08

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
GARY JAMES ROLLER,)
)
Defendant.)
)
)
)
)
)

No. CR 08-00361 RMW

**STIPULATION AND []
ORDER CONTINUING STATUS
CONFERENCE FROM NOVEMBER 24,
2008 TO DECEMBER 15, 2008 AND
EXCLUDING TIME FROM
NOVEMBER 24, 2008 TO DECEMBER
15, 2008, FROM CALCULATIONS
UNDER THE SPEEDY TRIAL ACT (18
U.S.C. § 3161)**

The parties hereby request that the Court enter this order continuing the status conference from November 24, 2008 to December 15, 2008, and excluding time from November 24, 2008 through December 15, 2008. The parties, including the defendant, stipulate as follows:

1. The defendant understands and agrees to the exclusion of time from calculations under the Speedy Trial Act, 18 U.S.C. § 3161, for the period from November 24, 2008 through December 15, 2008 based upon the need for the defense counsel to investigate further the facts of the present case and determine what, if any, motions are appropriate. The government has produced discovery in this case and the defense counsel and defendant require additional time to

1 review and analyze this discovery. In addition, the parties have agreed to a participate in a
2 settlement conference before Magistrate Judge Patricia V. Trumbull on December 5, 2008 at 2
3 p.m. A status conference will not being meaningful until after defendant and defense counsel
4 has had an opportunity to complete their investigation and the parties have had an opportunity to
5 participate in the December 5, 2008 settlement conference. For effective preparation of defense
6 counsel, the parties agree that the status conference currently scheduled for November 24, 2008
7 and should be continued to December 15, 2008 at 9 a.m.

8 2. The attorney for defendant joins in the request to exclude time under the Speedy Trial
9 Act, 18 U.S.C. § 3161, for the above reasons, and believes the exclusion of time is necessary for
10 effective preparation of the defense; believes the exclusion is in the defendant's best interests;
11 and further agrees that the exclusion under the Speedy Trial Act, 18 U.S.C. § 3161, should be for
12 the period from November 24, 2008 through December 15, 2008.

13 Given these circumstances, the parties believe, and request that the Court find, that the
14 ends of justice are served by excluding from calculations the period from November 24, 2008
15 through December 15, 2008 outweigh the best interests of the public and the defendant in a
16 speedy trial under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

17 IT IS SO STIPULATED.

18 DATED: 11/18/08

/s/ Richard Pointer
RICHARD POINTER

21 DATED: 11/18/08

/s/ Hanley Chew
HANLEY CHEW
Assistant United States Attorney

23 **] ORDER**

24 Having considered the stipulation of the parties, the Court finds that: (1) the defendant
25 understands and agrees to the exclusion of time from calculations under the Speedy Trial Act, 18
26 U.S.C. § 3161, from November 24, 2008 through December 15, 2008, based upon the need for
27 the defense counsel to investigate further the facts of the present case, review the discovery that
28

1 the government has already provided and evaluate further possible defenses and motions
2 available to the defendant; (2) the exclusion of time is necessary for effective preparation of the
3 defense and is in the defendant's best interests; and (3) the ends of justice are served by
4 excluding from Speedy Trial calculations the period from November 24, 2008 through December
5 15, 2008.

6 Accordingly, the Court further orders that (1) the status conference set for November 24,
7 2008 is vacated and that the next appearance date before this Court is scheduled for December
8 15, 2008 at 9:00 a.m.; and (2) the time from November 24, 2008 through December 15, 2008 is
9 excluded from time calculations under the Speedy Trial Act, 18 U.S.C. § 3161.

10
11 IT IS SO ORDERED.

12 DATED: 11/24/08
13 _____


14 THE HONORABLE RONALD M. WHYTE
15 United States District Court Judge
16
17
18
19
20
21
22
23
24
25
26
27
28